S.B.Cr.Misc.II Bail App. No.5609/2007
(Sardar Singh Vs. State)

Date of order : 15.11.2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Deepak Menaria for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the material available on record and carefully gone through the statements of the prosecution witnesses recorded so far.

It is contended by learned counsel for the petitioner that the eye witnesses Shiv Nath Singh and Gulab Singh did not support the prosecution case. He submits that the wife of the deceased Smt. Aiji Bai also did not support the prosecution case and turned hostile. He further submits that so far as statements of PW4 Mangu Singh and PW5 Kailash Singh are concerned, both in their cross-examination stated that they were informed by their mother that their father was assaulted by the petitioner but their mother PW6 Smt. Aiji does not say so in her statement. It is stated by PW4 in his cross-examination that his employer informed him that his father has died, therefore, he has no occasion to talk to his father before he died.

From perusal of the statements of PW6 Smt. Aiji Bai, PW2 Shivnath and PW3 Gulab Singh, it appears that these three witnesses did not support the prosecution case and turned hostile.

Be that as it may, without commenting on the merit of the case and looking to the facts and circumstances of the case and the fact that almost all the prosecution witnesses did not support the prosecution case, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Sardar Singh s/o Bhawani Singh be released on bail in FIR No.87/2006 P.S. Sayara, District Udaipur, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

vij